

APPROVED: Meeting No. 40-88

ATTEST: *Margaret R. Gessin*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 29-88
June 27, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, June 27, 1988 at 7:32 pm.

PRESENT

Mayor Douglas M. Duncan

Councilmember Stephen N. Abrams

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember David Robbins

The Mayor in the Chair.

In attendance: Acting City Manager Rick W. Kuckkahn, City Attorney Paul T. Glasgow (arrived at 7:40 pm), and Election Clerk Carolyn Barnett-Jones (in the absence of City Clerk Margaret R. Gearin).

City Manager's Report

Acting City Manager Rick Kuckkahn reported the following:

1. The Summer Youth Employment program is in operation and out of 109 applications received, 89 youths have been hired.

2. July 4th festivities for the City of Rockville will begin at 6:30 pm at Richard Montgomery High School. The fireworks are scheduled to start at 9:30 pm. In case of rain, the festivities will be held July 5th. Questions regarding the schedule of events may be directed to Mr. John Hayes on ext. 432.

3. Mr. Kuckkahn introduced City Traffic Engineer, Joe Cutro who briefed the meeting regarding traffic problems at Seven Locks Road.

Mr. Cutro reported that traffic problems exist northbound on Seven Locks Road and said that a portable message sign is helpful. He stated that the degree of difficulty encountered by commuters on Falls Road and Ritchie Parkway varies from day to day, and that it is the key area of complaint mainly due to the fact that traffic on Falls Road has increased by 50 percent. He added that the Seven Locks diversion has created more traffic on Falls Road and Ritchie Parkway. The standing traffic on Falls cuts off Fallsmead. However, all of these problems are temporary.

Mr. Cutro said that so far, two of the 17 lanes (the total number of lanes at the intersection of Falls Road and Ritchie Parkway running in all four directions is 17) will be completed by the Spring of 1989. Meanwhile, the bridge over I-270 should be completed soon and traffic will be shifted to the new bridge so that the old bridge can be replaced.

Councilmember Abrams questioned whether temporary measures, such as flashing lights, may be implemented. Mr. Cutro replied that a temporary signal could not be installed before September or October

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1988 and that it would be more cost effective to post a traffic officer during rush hours.

Councilmember Coyle asked about the possibility of installing a light at the intersection of Falls at Fallsmead Way. Mr. Cutro responded that the State would have to evaluate the need for a traffic light at the intersection of Falls at Fallsmead and that a decision to install a light could take up to a year.

Mr. Cutro brought to the attention of the meeting the fact that a large telephone conduit running along the west side of Falls Road is delaying some progress. A letter has been drafted to C & P Telephone from Rockville's Acting City Manager, requesting that the conduit be moved. If C&P responds swiftly, the intersection will be open by September. Mr. Cutro then asked Mayor Duncan for approval to transmit correspondence to a high level official at C&P Telephone. Mayor Duncan suggested that the staff address the matter to a company vice president.

Councilmember Abrams asked that Mr. Cutro provide the council with a cost breakdown of installing a temporary traffic signal and the cost of posting an officer at the intersection of Falls and Fallsmead.

Mr. Cutro added that he would like to send an update to the appropriate homeowners association(s) summarizing the new schedule.

Presentation

The Mayor acknowledged Rosalie Campbell, President of Rockville Seniors, Incorporated. Ms. Campbell presented the Mayor and Council with a contribution to the FY 1989 operating budget for the Rockville

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Senior Center in the amount of \$8,000. The Mayor and Council gratefully acknowledged the contribution which had been raised from holding weekly Bingo games, the Annual Yard Sale, and gift shop sales.

Approval of Minutes

On the motion of Councilmember Coyle, duly seconded, the minutes of Meeting No. 27-88 were adopted as corrected. Councilmember Robbins abstained since he was not present at the June 6, 1988 meeting.

Citizen's Forum

The Mayor opened this portion of the meeting to citizens wishing to address the Mayor and Council. The Mayor gave the floor to Mr. Carl Fahrner of 308 Potomac Street.

Mr. Fahrner told the meeting that he would like to see the City of Rockville promoted as a senior retirement center. In addition, he raised the issue of West Montgomery Avenue and Chestnut Lodge, voicing the concern that he does not want commercial property in West Rockville.

Award of contract in the
amount of \$29,292 for
maintenance of Hewlett
Packard computer equipment

Request for proposals for maintenance of city-owned Hewlett Packard computer equipment was mailed to 25 companies and only one, Atlantic Tech Services, responded. Staff reviewed the proposal and determined that the price of \$29,292 is less than the City paid for HP maintenance during last year. Therefore, staff recommended an award

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of the contract to ATS in the amount of \$29,292.

On motion of Councilmember Hovsepian, duly seconded, the Mayor and Council voted to award RFP #0289 to Atlantic Tech Services.

Approval of Awards for
site-specific proposals for
art in public places

In February 1988 a "Call for Entry" was sent to artists listed with the Maryland State Arts Council, the Washington Sculptors and Tri Sculptor which resulted in applications from forty-four respondents. The committee selected three semi-finalists for each of the three sites.

In May the semi-finalists presented their site-specific proposals to the artist nomination committee. Upon review of the proposals it was recommended to the Cultural Arts Commission that:

(a) Tom Ashcraft be awarded the \$25,000 commission for his proposal for Orchard Ridge Park

(b) Judy Byron be awarded the \$15,000 commission for her proposal for the Lincoln Park Community Center, and that

(c) Richard Lew be awarded the \$15,000 commission for his proposal for the Montrose Recreation Center and Park.

Upon the motion of Councilmember Hovsepian, duly seconded, the Mayor and Council voted in the affirmative to grant the above-mentioned awards.

Resolution to eliminate the
accounting category
"Designated Reserve for
Equipment Replacement" and to
provide for the transfer of
funds held in said reserve to

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the undesignated unreserved
general fund.

Several years ago the City established an Equipment Replacement Fund. It was designed so that any balance remaining at the end of the year was placed in a restricted reserve account. The intent was to use the funds in the event of a large unexpected expense for replacement of vehicles or similar equipment.

Over time, the reserve has accumulated a total of \$393,000 although no funds have been added to the reserve over the last five years. The Equipment Replacement Fund was abandoned last year. The budgeting for equipment replacement has been streamlined.

Staff implemented this change, which is strictly administrative in nature, with the approval and encouragement of the auditors and requests that the Mayor and Council make this action formal by adopting the proposed resolution. Upon the motion of Councilmember Abrams, seconded by Councilmember Coyle, the Council voted unanimously to adopt the resolution.

Resolution to establish a
designated reserve in the
General Fund for housing
opportunities and to fund ~~same~~

In order to promote public health, safety and welfare for moderate income residents of Rockville, the Mayor and Council agreed to designate \$200,000 of the General Fund fund balance in FY 1988 and an additional \$200,000 in FY 1989 to improve the opportunities for affordable housing. Upon the motion of Councilmember Abrams, duly seconded, the Mayor and Council voted unanimously to adopt the resolution.

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Adjustment to Capital
Improvements for City Hall
and Public Works building
architectural study

On June 13, 1988 the Mayor and Council approved the award of a contract to Wheeler, Goodman, Masec & Associates to study usage space and future needs of City Hall and the Public Works Building. The FY 1988 capital budget included \$15,000 for design of the Public Works Building and City Hall. The FY 1989-1993 CIP included \$66,000 in 1990 for further design. The \$66,000 will be moved ahead to FY 1989 to permit funding of the study. The reappropriation ordinance will reflect the change. Upon the motion of Councilmember Hovsepien, duly seconded, the Council approved the adjustment.

Adoption of Ordinance to levy
assessments - driveway aprons
various locations Proj. No.
7E12

The Acting City Manager has advised the Mayor and Council concerning the construction of driveway aprons. On a motion of Councilmember Abrams, duly seconded and unanimously passed, approval was given for the City to levy assessments against benefitted properties to cover the expense of driveway aprons in various locations throughout Rockville.

Adoption of Resolution to
modify fees for dogs as
previously established by
Resolution No. 23-77 and to
reduce fees for senior
citizens, welfare recipients,
and handicapped individuals,
ass so as to conform licensing
fees to thos fees charged by

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Montgomery County; to set forth the administrative fines to be imposed by the Animal Control Board; and to establish fines to be imposed for municipal infractions. Late fees for dog licenses and boarding fees are eliminated.

Upon the motion of Councilmember Abrams, seconded by Councilmember Coyle, and unanimously passed, Resolution No. 29-88 was adopted.

Adoption of Ordinance to amend Chapter 12, Sections 1-101 through 6-302, entitled "Animal Control Regulations," so as to eliminate provisions relating to administrative tickets; to provide that late fees for dog licenses "may" be charged instead of "shall" be charged; and to change the penalty for violating provisions of the chapter from a misdemeanor to a municipal infraction, and to make other related technical changes.

Upon the motion of Councilmember Coyle, seconded by Councilmember Robbins and unanimously passed, the Mayor and Council adopted Ordinance No. 21-88.

Re: Text Amendment Application
T-88-88

The Planning Commission presented to the Mayor and Council a subject amendment to modify Section 1-304(c) of the Zoning Ordinance which deals with deviations from plans approved in the Use Permit process. The purpose is to clarify and reflect an administrative policy that has been used for a number of years. Section 1-304(c) also contains language for revoking a Use Permit when a deviation

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occurs without approval.

Upon the motion of Councilmember Coyle, seconded by Councilmember Robbins and unanimously passed, the Mayor and Council approved Text Amendment T-88-88.

Re: Award of Bid #82-88,
Consulting Services for
Chestnut Lodge Land Use
Alternatives

The staff presented to the Mayor and Council the recommendation that the firm of Patton, Harris, Rust and Associates be awarded a contract in the amount of \$44,700 to undertake a land use alternatives analysis for the Chestnut Lodge property as part of the Planning Area 4 planning process.

Councilmember Abrams advised the staff to prepare a document to reject the bid and put forth a motion which was duly seconded. It was agreed that the need for services would be evaluated after review of an alternate land use proposal is submitted by the owners of the property. The Mayor and Council voted unanimously to reject the \$44,700 bid by Patton, Harris, Rust and Associates.

Correspondence

(1) In response to the May 31, 1988 letter from Maryland Delegate Jennie Forehand, Councilmember Hovsepian stated that she is pleased with the noise berm is to be installed at Julius West Middle School.

(2) Noting the press release from the Rotary Club listing the outstanding students honored by the Rotary, Councilmember Coyle questioned whether students from Wootton participate in the program

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sponsored by the Rotary in which students attend regular Thursday luncheon meetings and make presentations to members.

Re: FYI Items

(1) Councilmember Robbins requested clarification on Item #13 regarding the City's involvement in the "Just Say No" program and asked whether it is possible to get a briefing from program and enforcement staff on the status of the project. Mr. Kuckkahn said that the program is doing well. Mayor Duncan said that he would set up such a briefing.

(2) Councilmember Hovsepian commended staff on the report #6 regarding transportation management grant proposal status and asked that the Council be kept informed.

(3) Councilmember Hovsepian also stated that the proposed Employee Achievement Award Program is a good idea and that she would like to see outstanding City staff members recognized within such a program.

(4) Councilmember Coyle thanked City staff for responding promptly to the lighting problem at Fallsmead Elementary School.

(5) Councilmember Coyle, citing that Rockville has the lowest number of locally produced cable channel programs, would like to get clarification on the city's cable programming.

(6) Mayor Duncan recognized Burt Hall, Recreation and Parks Department, for the letter of commendation he received from Richard Montgomery High School resulting from his work on the Post Prom Breakfast.

Re: New Business

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(1) Councilmember Abrams clarified the Minutes for Meeting No. 25-88 of May 23, 1988 to reflect that the Mayor and Council only approved future discussion on the issue of a consultant for the Chestnut Lodge Land Use Alternative and did not approve a recommendation by the Planning Department to retain consulting services for Chestnut Lodge.

(2) Councilmember Hovsepian asked whether further discussion is scheduled on the details to be carried out by the Goals Task Force. Mayor Duncan stated that the Goals Task Force is on the agenda for the July 11, 1988 meeting.

(3) Councilmember Robbins commended the staffs of the Department of Recreation and Parks and the Department of Public Works for quickly providing a well done answer to the closing of the pedestrian bridge over Ritchie Parkway.

(4) Upon the motion of Councilmember Hovsepian, seconded by Councilmember Coyle, the Mayor and Council approved the budget for July 4th fireworks with the caveat that the cost could increase by \$375.00 in case of rain.

(5) Councilmember Coyle wants to reopen issue of signs on buildings at Seven Locks Road. Mr. Kuckkahn said that there will be follow-up on that.

Re: Adjournment

There being no further business to come before the Mayor and Council in General Session, the meeting was adjourned at 8:32 pm to convene immediately in Work Session with the Department of Planning.

The following topics were discussed with the Mayor and Council:

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1. Petition favoring Rockville Pike Plan

Ms. Ruth Hanessian presented the Mayor and Council with a petition containing the signature of 61 citizens who feel that the Rockville Pike Plan as presented by the Planning Commission should be implemented. The plan, as outlined in the petition would include: (1) extending Jefferson Street from Richard Montgomery Drive to Montrose Road to run parallel to Rockville Pike, (2) the creation of streets that will relieve Rockville Pike of traffic, (3) creation of more underground parking, pedestrian friendly streets, retail arcades and other public benefits, and, (4) some high density development which will be carefully balanced with residential development.

2. Economic Questions

Councilmember Abrams, concerned that the consultants did not consider the economic issues put forth by the Council asked the City staff for an economic analysis. The staff is currently working on such a report.

3. Concentration on Development Issues

The Council favors use of 1,500 foot walking distance from Metro instead of the use of radius as a boundary for the Metro facility and desires housing on specific sites in the Metro vicinity. Councilmember Abrams prefers a site specific designation for each property in the Metro area. Councilmember Hovsepian stated that convenience retail must be available.

There was discussion over the FAR (Floor Area Ratio). Councilmember Abrams pointed out that 1.0 or 1.5 FAR levels may be acquired by meeting certain conditions. Mr. Robert Spalding, said that

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density for commerce must be available and that the consultants recommended a 2.0 FAR range. Mr. Spalding added that there can be a cap on the number of units allowed/acre. In addition, he said that the best FAR, is 1.0 and that housing will bring it up to 1.5.

Mayor Duncan asked the staff to prepare a Twinbrook Metro Area Site Plan with specific site use recommendations.

4. Woodmont Country Club

Mr. Spalding said that the consultant proposed a 110 foot height maximum with 60 dwelling units/acre. Mayor Duncan said that a townhouse development is appropriate for the area and suggested a complex similar to the Americana Center. Councilmember Hovsepian expressed concern that housing made available in that area would be expensive and that existing green space is being compromised. The Council believes that the issue is dead unless Jefferson Street is considered. However, the Council supports keeping current one (1) acre zoning.

5. Chapman Avenue

Councilmembers Abrams and Hovsepian would like to see mixed residential components.

6. Elderly Housing

Councilmember Abrams said that housing for the elderly is a nice idea but that it has no market. Councilmember Hovsepian said that several senior housing projects already exist and that the City of Rockville does not want to become a retirement community. Mayor Duncan said that elderly housing should be an option. Councilmember Coyle asked whether the MPDU (Moderately Priced Dwelling Unit) provision can

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be made a permanent requirement.

7. Streetscape Standards

Mayor Duncan asked the staff to develop recommendations for landmark elements along Rockville Pike.

8. Promenade

The Council opposes the pedestrian underpass.

9. Build Line-to-Line

It was agreed that at least fifty percent (50%) of a building must cover the 135 foot line and the access to parking must be preserved while providing for a unified streetscape.

10. Transportation

There was no change in positions regarding the positions on the East Jefferson Street Extension. Councilmember Abrams wants to wait for an economic analysis before going to a final vote. The staff notes that East Jefferson will be needed regardless of development which would ultimately make the Rockville Pike more efficient during rush hours. It is believed that during non-rush, residents will have easier access to retail establishments.

Councilmember Hovsepian says that the East Jefferson Street Extension will become an environmental hazard and may result in noise pollution.

Councilmember Abrams suggested that a briefing be scheduled on local transportation management in an urban district. Mayor Duncan said that he prefers studying a memo in lieu of the briefing.

Councilmember Robbins asked that each member of the Council receive a copy of the petition which was presented at the beginning of

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the meeting.

The meeting adjourned at 9:40 pm.